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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,700	10/17/2005	Atsushi Murashima	G0126.0242	1998
32173	7590	10/14/2008		
DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714			EXAMINER ABEBE, DANIEL DEMELASH	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 10/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,700

Applicant(s)

MURASHIMA, ATSUSHI

Examiner

Daniel D. Abebe

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 16-18 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 12-14, 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

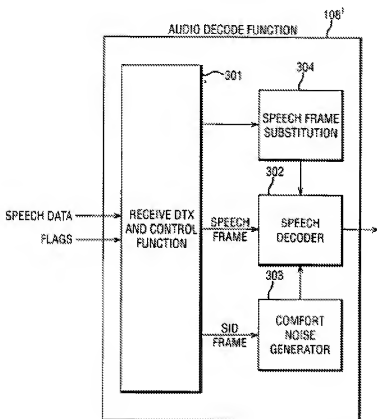
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed conventional code conversion system in the background of the application and further in view of Judge (6,718,298).

As to claim 12, figure 5 and the corresponding disclosure on page 2, explains a code conversion method for converting a code encoded according to a first method to a code encoded according to a second method, by first decoding the encoded data (1A), then judging/detecting whether the audio is noise or not from the decoded data (5) and then re-encoding the audio data according to a second method (2A) where a second encoded data string is generated (4) (page 2, lines 22-28). It is noted that the process of judging by the conventional circuit is conducted after decoding the code string. however, Judge teaches a method of decoding an audio signal where frame information regarding whether the frame is audio or non audio is imbedded in the code strings (header) of the encoded audio/noise signal and where the decoder determines without decoding the signal or from the undecoded received data whether the frame is speech frame or non speech frame (Fig.3; Col.4, line 65-Col.5, line 15). It would have been obvious to one of ordinary skill in the art to include frame information in the code string in the conventional

art, in view of Judge's patent, for the purpose of efficiently identifying the noise frames from the audio frames at the decoder.

FIG. 3



As to claims 13-14, according to the disclosed conventional code conversion method where the first code string is decoded and encode at a second encoder that is different from the first encoder however it is inherently taught that the same coding method could be used as that of the first encoding method without converting the code as it is stated in claim 12 (Page 3, lines 10-15; Fig.5).

As to claim 19, according to the disclosed conventional code conversion method, the non audio signal corresponds to a noise section.

Allowable Subject Matter

Claims 1-10, 16-18 and 20-22 are allowed.

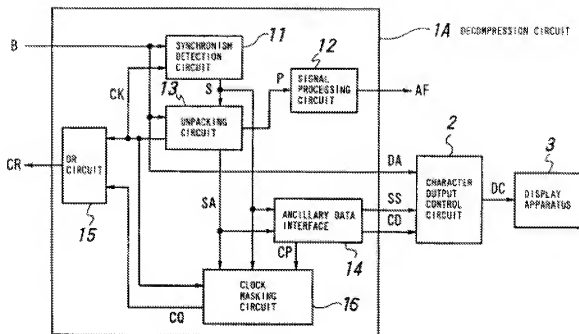
Response to Arguments

Applicant's arguments with respect to claims 12-14 and 19 have been considered but are moot in view of the new ground(s) of rejection. As shown above

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takano U.S. (5,768,281). In this patent Takano teaches a stream of an encoded data (B) comprising audio and non audio/ancillary signal is received at a decoder (1A) and wherein the data stream is unpacked and without further process the non audio frame (SA) and the audio frame (AF) are identified and processed respectively.

FIG. 1



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626